IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1130 (S/S) of 2006

Devendra Prasad,
son of Sri Mahendra Prasad,
resident of village- Bheta Badauli,
Block- Dhaula Devi,
Tehsil-Bhanoli,
District- Almora. **…….Petitioner**

Versus

1. State of Uttaranchal through Secretary Education, Dehradun.
2. Additional District Education officer, Almora.
3. Block Education Officer, Dhaula Devi, District – Almora.
4. Pradhan Gram Panchayat, Bheta Badauli Block, Dhaula Devi, Tehsil- Bhanoli, District – Almora.
5. Km. Pushpa Arya, D/o Sher Ram, resident of Village Bheta Badauli Block, Dhaula Devi, Tehsil – Bhanoli, District – Almora.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Amish Tiwari, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1 to 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order rule or direction in the nature of Certiorari quashing the impugned order dated 24.04.2006 passed by respondent no. 4 and further call the record from the office of the respondents and quash the order dated 17.04.2006 if any passed by respondent no 3.

(b) *issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to reinstate the petitioner on the post of Shiksha Mitra at Primary School, Ranisera, Block- Dhaula Devi, District – Almora and in alternative the respondents may be directed to appoint the petitioner on the post of Shiksha Mitra at Primary School, Dauligarh within the local limit of the same block Dhauladevi.*

(c) *Any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case;*

(d) *award the costs of the writ petition to the petitioner.*

The brief facts as narrated in the writ petition are that petitioner was appointed as Shiksha Mitra on 28.11.2005 in Primary School, Ranisera, Block – Dhaula Devi, District – Almora. Petitioner has gone through the training required for Shiksha Mirtra. He performed his duties to the satisfaction of the superiors. There is no complaint against him either from students or from their parents. However vide impugned order dated 24.04.2006 Gram Pradhan, Gram Panchayat Bheta Badauli, Block – Dhaula Devi, has cancelled the engagement of the petitioner on the post of Shiksah Mitra and place of petitioner Km. Pushpa Arya has been appointed as Shiksha Mitra. This order was passed by Gram Pradhan in pursuance to the order dated 17.04.2006 passed by Block Education Officer, Dhaula Devi, Almora.

Aggrieved with the order petitioner moved representation before respondent no. 2 on 08.05.2006 and the same is still pending.

The submission of the petitioner is that while canceling the contract with the petitioner no reason has been recorded why the contract is being cancelled. There is no complaint against the petitioner and the work and conduct of the petitioner was also upto the mark.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 2 may be directed to decide the petitioner's representation at the earliest.

In the circumstances aforesaid, I deem it fit and proper to direct respondent no. 2 i.e. Additional District Education Officer (Basic), Almora to decide the representation of the petitioner dated 08.05.2006 (Annexure no. 6 to the writ petition) by giving reason why the contract of the petitioner for the post of Shiksha Mitra has been cancelled within a period of four weeks from the date of production of certified copy of this order.

With these direction the writ petition as well as Misc. Application no. 10556 of 2006 is finally disposed of. No. order as to costs.

(M.M. Ghildiyal, J)

August 21, 2006
SkSharma